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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Ramon Adrian Espinoza-Cuamea,  
Plaintiff,  
v.  
United States of America,,  
Defendant.

No. CV-11-02398-PHX-GMS (MEA)

**ORDER**

Pending before the Court are Petitioner's Motion to Vacate, Set Aside or Correct Sentence and United States Magistrate Judge Mark E. Aspey's Report and Recommendation ("R&R"). Docs. 10, 12. The R&R recommends that the Court deny and dismiss with prejudice. Doc. 12 at 9. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at 9-10 (citing Fed. R. Civ. P. 72(b); LRCiv 7.2; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

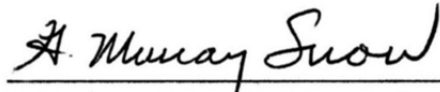
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("does not . . . require any review at all . . . of any issue that is not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept

1 the R&R and deny the Motion. *See* 28 U.S.C. § 636(b)(1) (stating that the district court  
2 “may accept, reject, or modify, in whole or in part, the findings or recommendations  
3 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,  
4 or modify the recommended disposition; receive further evidence; or return the matter to  
5 the magistrate judge with instructions.”).

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Aspey’s R&R (Doc. 12) is **accepted**.
- 8 2. Motion to Vacate, Set Aside or Correct Sentence (Doc. 10) is **denied and**  
9 **dismissed with prejudice**.
- 10 3. The Clerk of Court shall **terminate** this action.
- 11 4. A certificate of appealability will not issue absent “a substantial showing of  
12 the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

13 Dated this 5th day of December, 2012.

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16 G. Murray Snow  
17 United States District Judge  
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